App. F. IX-4

1927.

File No. 46-27

Previous References (. Courts.)

No 43-20-33

25. 24 (1-7)

Serial Nos. 1-9

Later References

PRESERVED

64-27(5-6 ✓

Cf-181-34-1-8

General and Revenue Secretariat.

Serial Nos.

Part B for October 1927

SUBJECT

Rules under section 164 Criminal Procedure Code for defining the classes of cases triable by Bench Courts.

G.O.No.P 2702-12 & 31-10-27 To all Dist. Magistrates & Regr. Chief Court

Directs that the Dist. Magistrates should obtain the approval of Govt. before the issue of Rules ~~under the provision~~ framed by them under the said provision of the Code

Manasseram, Iyengar
3-11-27

G. R. S. III—1

1927.

GENERAL AND REVENUE SECRETARIAT.

cb

NOTES.

File No. 46-27

FILE HEADING.

Rules under section 16(a), Criminal procedure code for defining the classes of cases triable by Bench courts

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

WD 1881—GPB—30,000—1.8.21

P T O.

5456 A
P

30/5

Section 21

Income Tax Part IV

Objection against order dated 26-5-17 (page 5745).

The Addl. Commr. has enhanced the Bank profit by disallowing Rs. 6 lakhs being Contingency reserve created under Regn. V of 1949 and Rs. 6(a)(c)(b) lakhs being amount paid to Chairman's wife. Please explain.

30/5

G.R.S. III—3]

2

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

From
Mesm: Assam-Letter No J(-688)30/
Inwards a copy of notification investing certain Bench courts with power to try cases falling under the Elementary Education Regulation V of 1912 (3-

2

Under section 16(a) the Govt may invest the Bench courts with the power to try certain classes of cases, subject to the control of Govt:-

So far no powers has been delegated to them explicitly by Govt. But the notification establishing

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

7158 A

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

As to which courts the Harcourt Dist. empowers the Bench courts to try such cases or classes of cases as may be referred to them by the Dist. Magistrate. This wording may perhaps be taken to mean that the Dist. has been empowered to invest the Benches with powers to try certain classes of cases.

The offences under the Elementary Education Regulation are punishable by fine upto Rs 25/- and Rs 10/- The offences seem to be of a third class nature. If this view is correct the Dist may perhaps himself invest the Bench courts to try such cases.

The Dist has further forwarded for the information if not a copy of the orders he has issued. It might perhaps be valueless if the action of the Dist is not according to law.

Put up for orders

BV
2/6/27

Please find precedents if any.

8/6

20/6

V.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

Vide T 3/9

Vide.

7/6.

Law There is no precedent. But there are cases in which the

5756

4

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

A & B

—

Local Govts have empowered the Bench courts under Govt Laws to try such cases, vide G.S. No. 43-10 1913

The Bench courts in the Bangalore D. have been empowered to try cases falling under the Elementary Education Regulation. The D.C. has empowered them. under his If necessary perhaps he enquired under what provision of law, the courts have been so empowered.

2816 Apr 29/16

6 Rules have been in the Gazette (7E: E) that the Dt Magistrate of Kadur has invested certain Bench Courts to try offences under the V. P. Reg" & Rules and the D.C. Hassan has also empowered certain Benches to try offences under the Elementary Education Regulation.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The D.Y. Kadur has quoted Section 46 Cr.Pr. code as his authority and the D.Y. Hassan has quoted Sec 46 (a) as his authority.

It will be seen that under section 46 (a) of the Cr. Pro. code the Govt or the D.Y. ~~with~~ Subject to the Control of Govt, may make rules for the guidance of B.M's with regard to the classes of Cases to be tried.

The point for consideration is whether the D.M can issue a rule independently of Govt. ~~for~~, that is, whether the D.Y. should

V.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

5565

6

App. F. III—2]

General and Revenue Secretariat. | File No. 6/6 of 192 7.

Serial No.

Govt intimate to Govt before the issue of the rule, so that Govt may exercise the control vested in it under the section. Otherwise, if the D.M. issues a rule and the Govt may cancel it. This may be avoided if the D.M. sends a copy of the rule to Govt & obtain its approval before issue.

10 This procedure will also avoid the Govt — which has also the power to make a rule — and the D.M. making inconsistent rules, at least so far as the classes of cases to be tried. The D.M.'s may perhaps be consulted.

Seq (1-D) 12/7

11 It is desirable that before making a rule under Sec 16 Cr.P.C by D.M. he Shd obtain the sanction of Govt.

12 D.M.'s may be consulted

1st Mun

659/27

27/7

Mun 27/7

27/7

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

App. F. III—2]

General and Revenue Secretariat.

File No. 40 of 1927.

Serial No.

Send with a draft.

By 26/7 [illegible] 1. Please type the draft as revised.

28/7

Typed [illegible] 28/7

7

Send with typed draft as revised

By 29/7 [illegible] 29/7

Done 30.7

1 To the Dy masters of the NOP 775-82 dt 2.8.27

Request to furnish his opinion in the matter.

From

The Dy. Chemistry

Letter no 43 dt 4.8.27

States that he agrees with the suggestion made and for perusal. The receipt of reports from the Mines 5/5 may be awaited

Sen 13/8

By 11/8/27 [illegible]

13/8 28 13/8

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

1094 G6 #758 . 4

App. F. III—2]

General and Revenue Secretariat. | C6 File No. 4609 of 1927

Serial No.	
	From.
3	The Dist. Madras. Letter no 66 dt 16.8.27
4	" Chittoor — 49 dt 16-8-27
5	" Mysore — 37 dt 18.8.27
6	" Bangalore — 593 dt 18-8-27
	States that it will be convenient to consider rules framed by the Dists if the approval of Govt is obtained to rules proposed.
21	Replies from Madras, Kolar and Chittoor are due. The receipt of replies may be awaited and

23/8/27 for RS

22 24/8

24/8

From

The Dist Chittoor. Letter no D2 dis 100 dt 2.9.27

States that his proposed amendment may be added to the said rule - re obtaining the approval of Govt before making a rule under section 16 (a) Criminal Procedure Code

21. Replies from Madras and Kolar are due. And with adopt RS

8/9

8/9/27 for RS

Dist 14/9

14/9 Received 14755-D/139/27

From

Dist. Kolar. Letter no 39 dt 12-9-27

" Madras — 345 dt 23-9-27

States that previous approval of Govt should be obtained to rules before rules are made by Dists under section 16 (a) of the Crl Procedure code

NOTE—Contn. sheet

General and Revenue Secretariat.

File No. 46 of 1927.

Serial No.

Subd

All the Dns are of opinion that it is better to obtain the approval of Govt before making a rule under Section 16 (a) Criminal Procedure Code. But the Dn. of Mysore presumes that the powers of the Govt to enlarge the powers of Bench Courts by investing them with powers to take cognizance of offences falling under one or more of the sections of the I.P.C. is not affected. This opinion does not seem to be correct

Subd with a draft-

The opinion of the D.J. of Mysore is for consideration.

By notification he empowers any particular Bench but this may not fall under Section 16 which authorises the making of rules for Benches.

If Govt by a rule or order authorise the Dt Magt to empower Bench Courts to try cases of a certain class, the D.J. may by notification empower them to try offences falling within that class & for this Govt approval may not be necessary. But if the D.J.

NOTE—Contn. sheet

1829

App. F. III—2] 10

General and Revenue Secretariat. | No File No. 46 of 1927.

Serial No.

ment to act under ~~Section 16~~ clause (a) of Section 16, approval of Govt is necessary.

Draft for Consideration

Sec'y dtd 28/10

Draft may be approved

Secy dtd 27/10

3268/25/10

Submitted with a typed draft as ordered

28/10 28/10

28/10

28/10

1 To The Dr Magistrate of Dhs 28/10

The Registrar Chief Court.

No P 2204-12 Dt 31-10-27.

Directs that the Dr Magistrate Dhs obtain the approval of Govt before the issue of the rules framed by them under the provision of the Code

2/11

NOTE—Contn. sheet.

5565
1 p 826

G.O. 1.688 Clone
26.27

Office of the District
Hassan District,
Hassan, Dt. 301

From

V. Venkatramaiah, Esq., B.A., B.L.,
District Magistrate,
Hassan District.

To

B. Rajappa, Esq., Bar-at-Law.,
Secretary to Government,
Law Department, Bangalore.

Sir,

8d
A.6.
8/4/6
5 4/6

I have the honour to forward herewith for favour of information a copy of my Memo No. D. 1-688-46 dated 19th Dec. 1946 investing the Bench Magistrates of this District with the power to try cases falling under the Elementary Education Regulation 7 of 1946.

I have the honor to be,

Sir,

Your most obedient servant,

V Venkatramaiah
District Magistrate,
Hassan District.

pvc/dd-5
9/46.

2

Office of the District
Magistrate,
Hassan,

Memo No J.1.688.26 Date. 17th May 1927.

Under section 16(a) of the Code of Criminal Procedure it is hereby ordered that the Courts of the Benches of Honorary - Magistrates at Hassan, Arsikere, Channarayapatna, Belur, Arkalgud and Alur shall take cognisance of offences, arising within the limits of their taluk or Sub Taluk falling under the Compulsory Education Regulation V of 1913.

Sd/e S.Venkataranga,
District Magistrate,
Hassan.

"Copy"
Venkataranga
For District Magistrate
Hassan

rules being framed by Government and the District Magistrates or Government as controlling authority cancelling the rule made by the District Magistrates, it might be better if before making a rule under Section 16 (a), the District Magistrates obtain the approval of Government before to the proposed rule. I am to request you to furnish Government with your opinion in the matter.

I have, etc.,

30/7 Secretary to Govt.,
Law Department.

KNN

758 927
P 8 27
6.

Tel: Address:—Depcom,
CHITALDRUG.

In reply, please refer to
No. J.D.Dis.C.43/27-8
Enclosures.

OFFICE OF THE DEPUTY COMMISSIONER,
CHITALDRUG DISTRICT.

Dated Chitaldrug... 4th August 1927 *192* .

FROM

The District Magistrate,
XXXXXXXXXXXXXXXX
Chitaldrug District.

C 46-27-2

To

The Secretary to Government,
Law Department,
B a n g a l o r e.

Sir,

Adverting to your letter No. P.775-82 Cts dated 2nd August calling for my opinion in the matter of framing certain rules under section 16(a) of Criminal Procedure Code for the guidance of Bench Magistrates, I have the honor to state, that I agree with the suggestion made in your letter under advertance.

I have the honor to be,
Sir,
Your most obedient servant,

Treasury Assistant Commissioner,
For District Magistrate,
Chitaldrug District.
(absent from station)

909
P 827

Office of the District Magistrate,
Hassan District,
Hassan Dated 16th August 1927.

From.

S. Venkatrangam, Esquire, B.A., B.L.,

District Magistrate,

Hassan District. Ab45-27-3

To.

B. Nagappa, Esquire, Bar-at-law,

Secretary to Government,

Law Department,

Bangalore.

No. Jdis Jl 66-27

Dated. 17-8-27

Sir,

With reference to your letter No. P775-82/Cus dated 2nd August 1927, I have the honour to state that I am of opinion that it will be conducive to consistency in the Rules framed by the District Magistrates for the guidance of the Bench Courts under section 16(a) Criminal Procedure Code, if the approval of Government is obtained to Rules proposed.

I have the honour to be,
Sir,
Your Most obedient servant,

V Venkatrangam

For District Magistrate,
Hassan District.
(Absent from Head Quarters)

938
P

6

J.i - 49/27-28

Office of the District Magistrate,

Shimoga District,

Dated, Shimoga the 16th August 1927.

From

Cb. 46-27-4

B.T.Kesavaiengar, Esquire., B.A.,

District Magistrate,

Shimoga District.

To

B.Nagappa, Esquire., Bar-at-law.,

Secretary to Government,

Law Department, Bangalore.

8-1.
19.8.

Sir,

With reference to your letter No.P.775-82 Cts. dated 2nd August 1927 calling for opinion in the matter of making rules under section 16 (a) for the guidance of Bench Courts etc., I have the honour to state that it is desirable to submit a copy of the rules made by the District Magistrates under section 16 (a) Cr.P.C. and obtain approval of Government to the proposed rules before issue.

I have the honour to be,

Sir,

Your most obedient servant,

B. Krishna Rao

For District Magistrate,
(Absent from Hd.Quarters)
Shimoga District.

7 969 827

81- No. 37-27

Office of the District Magistrate,
Mysore District,
Dated Mysore, 18th August 1927.

From

CS 46 29-5

A.V. Ramanathan, Esq., B.A.,
District Magistrate, Mysore District.-

To

B. Nagappa, Esq., Bar-at-law.,
Law Secretary to the Government
of Mysore, B a n g a l o r e.

Sir,

Rules for Bench courts under Section 16 (a)
Criminal Procedure Code.-

With reference to your No.J.775-82/Cts. dated 2nd August 1927 requesting for my opinion in the matter of the District Magistrates obtaining the approval of Government for any proposed rule under Section 16 (a) Criminal Procedure Code for the guidance of Bench Courts with regard to the classes of cases to be tried, I have the honour to state that I agree that the draft rules may be submitted by the District Magistrates to Government first and their approval obtained before issue.

2. I presume that this does not refer to notifications enlarging the powers of individual courts within the limits of powers conferred by Government but only to rules as such. For example the Bench Court of Chamarajanagar is given power by me since 21st September 1925 to take cognizance of cases under Sections 160, 277, 290, 358, 426, 447, 448, 504, and 510 Indian Penal Code in addition to powers exercised by the other Bench Courts at taluk Head Quarters. The Bench court of Nanjangud and Gundlupet are empowered by me to take cognizance of offences under Sections 447, and 504 Indian Penal Code arising in their respective jurisdictions since 20th November 1926 in addition to the usual powers exercised by them along with other Bench

P.T.O.

1033
9/8/27

No.J.593/27-28.

Office of the District Magistrate,

Bangalore District,

Bangalore, dated the 16th August 1927.

46-27-6

From

G. B. Heblikar, Esq., B.A., LL.B.,

District Magistrate,

Bangalore District.

To

B. Nagappa, Esq., Bar-at-Law,

Secretary to the Government of Mysore,

Law Department, Bangalore.

Sir,

With reference to your letter No.P.775-8-2 dated 2nd August 1927 calling for my opinion in the matter of issuing rules for the guidance of Bench Courts under Section 16(a) of the Criminal Procedure Code, I have the honour to state that with a view to bring about consistency and uniformity it would certainly be desirable that District Magistrates should before the issue of a rule obtain the approval of Government therefor.

I have the honour to be,

Sir,

Your most obedient servant,

DISTRICT MAGISTRATE,
BANGALORE DISTRICT.

D. C. 9] 22 Rs 100

1330
10 P 827

OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT.

Dated Tumkur, 2nd September *1927.*

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Deputy Commissioner, Tumkur District,
& District Magistrate. *Tumkur.*

Cf 46-27-7

To

B. Nagappa, Esquire, Bar-at-Law,
Secretary to the Government of His Highness the Maharaja of Mysore,
Law *Department,*
Bangalore.

SIR,

5365
Cf 49 75-8

With reference to your No.P. 778-82 dated the 2nd August 1927, requesting me to furnish my opinion in the matter of obtaining the approval of Government before making a rule under section 16 (a) of the ~~Civil~~ criminal Procedure Code, I have the honor to state that the proposed amendment may be added to the said rule. I have also submitted for the information of Government a list showing the class of cases to be tried by the Bench Magistrates in the District.

I have the honor to be,

sir,

Your most obedient servant.

K. V. Ananthaman
2.9.27

District Magistrate,
Tumkur District.

AD.2/9

List showing the class of cases to be tried by the Bench Magistrates in the Tumkur District.

***

1. Invested with the powers to try offences under Section 160, 277,279,290,323,352,426,447,448,504,510 and 379 and 380 (when the subject matter of theft does not exceed Rs 50/-).

2. Offences under the Mysore Police Regulation and Rules.

3. Offences under the Mysore Vaccination Regulation.

4. Offences under the Municipal Regulation and to hear appeals under 86 of the Regulation.

5.	-do-	Section 8 of the Mysore Elementary Education Regulation.
6.	-do-	Cattle Tresspass Act.
7.	-do-	Village Sanitation Regulation.
8.	-do-	Village Panchayet Regulation.

District Magistrate,
Tumkur District.

AD.2/9

1562
12/9

Office of the District Magistrate, Kolar District.

No. JC.89/V-28 Dated, Kolar. the 12th September 1927.

CB46-27-6

From

T.G. Rama Iyer. Esq., B.A.,
District Magistrate,
Kolar District.

To

B.Nagappa, Esq., Bar-at-Law.,
Legal Remembrancer and
Secretary to Government of Mysore,
Law Department. Bangalore.

Sir,

With reference to your letter,No.F.775-82 dated 2-8-27 suggesting that it would be better if the approval of the - - Government is obtained before the District Magistrates make a rule under Section 16(a) Criminal procedure code for the - - guidance of the Bench Magistrates in this District and asking me to give my views in the matter, I have the honour to state that I am also of the opinion that sanction of the Government is necessary to any proposed rule by the District Magistrates for reasons mentioned in your letter under advertence.

I have the honour to be,
S i r,
Your most obedient servant,

Treasury Assistant Commissioner,
For District Magistrate,
Kolar District.
12/9

A.R.
12/9/27.

D. M. 2.
No.L.Dis.345/1927-28
ENCS.

OFFICE OF THE DISTRICT MAGISTRATE,
KADUR DISTRICT.

Dated Chikmagalur, 23rd Sept.1927.

FROM H.V. Ramasvami, Esq., M.A.,B.L.,
DISTRICT MAGISTRATE,
KADUR DISTRICT.

To B. Nagappa, Esq., Bar-at-law,
SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
Law DEPARTMENT,
BANGALORE.

SIR,

Previous approval of Government to rules made by District Magistrates under Section 16 (a) Cr.P.Code.

In reply to your letter no. P.775-82/Cts dated the 2nd August 1927, I have the honour to state that there is no objection to the proposal made therein, viz., that previous approval of Government should be obtained by District Magistrates before rules made by them under Section 16 (a) Cr.P.C. for the

Typed Draft

15

Proceedings of the Govt. of H.H. the Maharaja of Mysore.

======

Ep 46-279

Read--

Order, No. 2204-12 dated, 31/10/27

Under section 16(a) of the Criminal Procedure Code the Govt. or the District Magistrates subject to the control of Govt. may make rules for the guidance of Bench Magistrates with regard to the ~~x~~ classes of cases to be tried by them. It is observed tnat there is no uniform practice in ~~all~~ the Districts in the matter. With a view to prevent inconsistant rules being framed by Government and the District Magistrates, or Government as controlling authority cancelling the rules soon after they are made by ~~the~~ District Magistrates, Government direct that ~~the~~ District Magistrates should obtain the approval of Government before the issue of the rules framed by them under the said provision of the Code.

26/10 ~~For~~ Secy. to Govt. Law Dept.,

To

The Dist. Magistrates of Dists.

The Registrar, Chief Court.

21/10

TD.

S. O.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 2204-12—Cts. 46-27-9, dated 31st October 1927.

Rules under Section 16 (a), Criminal Procedure Code.

Directs that the District Magistrates should obtain sanction of Government before issuing ——.

ORDER No. P. 2204-12—CTS. 46-27-9, DATED 31ST OCTOBER 1927.

Under Section 16 (a) of the Criminal Procedure Code, the Government or the District Magistrates subject to the control of Government, may make rules for the guidance of Bench Magistrates with regard to the classes of cases to be tried by them. It is observed that there is no uniform practice in the Districts in the matter. With a view to prevent inconsistent rules being framed by Government and the District Magistrates, or Government as controlling authority cancelling the rules soon after they are made by District Magistrates, Government direct that District Magistrates should obtain the approval of Government before the issue of the rules framed by them under the said provision of the Code.

B. NAGAPPA,
Secretary to Government,
Law Department.

To—The District Magistrates of Districts.
The Registrar, Chief Court.

Exd.—P. S. R. N.

WD 1047—GPB—435—11-11-27